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OFFICE OF PETITIONS

In re Application of :
Kohei, et al. : LETTER REGARDING PTA
Application No. 10/090,155 :
Filed: March 5, 2002 :
Atty. Dkt. No.: 32290-178954 :

This letter is in response to the "NOTICE RE: PATENT TERM ADJUSTMENT," filed March 11, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 13 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 13 days.

Patentees indicate that a possible error appears in the calculation of PTA and suggests a PTA of 106 days is in error.

A review of the application history reveals that the Determination of Patent Term Adjustment of 106 days is in error. An adjustment of 171 days under 37 CFR 1.702(a)(1) and 1.703(a)(1) can be attributed to the Office¹. The adjustment 171 days can be reduced a total of 158 days for applicants' failure to engage in reasonable efforts to conclude prosecution².

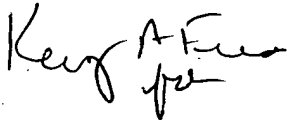
¹ In accordance with 37 CFR 1.703(a)(1), the delay began May 6, 2003, the day after the date that is 14 months after the date on which the application was filed, and ended October 23, 2003, the date the non-final Office action was mailed.

² The calculations of the reductions are as follows: **4 days** under 37 CFR 1.704(b) commencing January 24, 2004, the day after the date that is three months after the non-final Office action was mailed on October 23, 2003, and ended January 27, 2004, the date of receipt of applicants' response to the Notice; **61 days** under 37 CFR 1.704(b) commencing May 14, 2004, the day after the date that is three months after the date the final Office action was mailed on February 13, 2004, and ended July 13, 2004, the date a response was

As patentees are advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Enclosure: Copy of Adjustment PAIR Calculation

submitted; and **93 days** under 37 CFR 1.704(c)(1) commencing July 13, 2004, the date a request for suspension of action under § 1.103 was filed and ending on October 13, 2004, the date of the termination of the suspension.